



UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5
77 WEST JACKSON BOULEVARD
CHICAGO, IL 60604-3590

DEC 07 2017

REPLY TO THE ATTENTION OF:

WC-15J

CERTIFIED MAIL 7014 2870 0001 9580 7849
RETURN RECEIPT REQUESTED

E. Royce Carlisle, Director
City of Belleville
Village Hall
102 South Illinois Street
Belleville, Illinois 62220

Subject: Proposed Administrative Order on Consent Regarding Clean Water Act Violations
regarding the City of Belleville Wastewater Pretreatment Program.
NPDES Permit #IL0021873

Dear Mr. Carlisle:

Enclosed is a proposed Administrative Order on Consent for violations of the Clean Water Act (CWA) at the City of Belleville (City) wastewater treatment facility (WWTF). Violations were identified during a Pretreatment Compliance Inspection (PCI) conducted by the U.S. Environmental Protection Agency. Several areas of concern were identified during EPA's inspection, including a failure to submit pretreatment program streamlining revisions and re-evaluation of local limits, a failure to identify and update the City's inventory of industrial users, deficiencies in issued IU permits and other findings.

EPA is offering to enter into an Administrative Order on Consent (AOC) to address ongoing violations of the CWA. To this end, we have enclosed a draft AOC. EPA encourages you to agree to voluntarily perform all of the proposed compliance steps included in the draft AOC.

We request that you sign the AOC within 30 calendar days of receipt.

Please send your response letter to:

John "Jack" J. Bajor, Jr.
Water Division, WC-15J
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590

If you or your staff would like to set up a meeting to discuss the AOC, or if you have any questions or concerns, please contact John "Jack" J. Bajor, Jr., Enforcement Officer at (312) 353-4633 or bajor.john@epa.gov, or your legal counsel may contact Deborah Carlson, Associate Regional Counsel at (312) 353-6121 or carlson.deboraha@epa.gov.

Sincerely,



Patrick F. Kuefler

Chief

Water Enforcement and Compliance Assurance Branch

Enclosures: Draft AOC, Belleville, Illinois.

UNITED STATES ENVIRONMENTAL PROTECTION AGENCY
REGION 5

In the Matter of:) Docket No. V-W-18-AO-##
)
City of Belleville) Administrative Order on Consent
Belleville, Illinois,) Under Section 309(a) of the Clean Water
) Act, 33 U.S.C. § 1319(a)
Respondent.)
)

I. INTRODUCTION

1. The U.S. Environmental Protection Agency ("EPA") makes the findings of fact set forth below (Section IV) and is issuing this Administrative Order on Consent ("Order on Consent" or "Order") to the City of Belleville (the "Respondent") under the authority of Section 309(a) of the Clean Water Act ("CWA" or "Act"), 33 U.S.C. § 1319(a). The Administrator of EPA has delegated the authority to issue such orders to the Regional Administrator of EPA Region 5, who has re-delegated this authority to the Director of the Water Division, EPA, Region 5.
2. This Order is mutually entered into by EPA and the Respondent.
3. At all times relevant to this Order, the Respondent has owned and operated the Belleville Sewage Treatment Plant (STP #1), located at 405 Environmental Drive, Belleville, Illinois (the "Facility").
4. EPA alleges that the Respondent failed to comply with National Pollutant Discharge Elimination System ("NPDES") Permit No. IL0021873 at STP #1, in violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
5. By entering into this Order, the Respondent: (1) consents to EPA's authority to issue and enforce this Order; (2) admits to the factual allegations as set forth in this Order; (3) agrees to undertake all actions required by the terms and conditions of this Order; (4) consents to be bound by the requirements set forth herein; and (5) agrees not to contest the authority of EPA to issue or enforce this Order or the validity of any terms or conditions in this Order.
6. For the purposes of this Order, the Respondent waives any and all remedies, claims for relief, and otherwise available rights to judicial or administrative review that the Respondent may have with respect to any issue of fact or law set forth in this Order on Consent, including, but not limited to, any right of judicial review under Chapter 7 of the Administrative Procedure Act, 5 U.S.C. §§ 701-06.

II. STATUTORY AUTHORITY

7. Section 301(a) of the CWA, 33 U.S.C. § 1311(a), prohibits the discharge of any pollutant by any person except, *inter alia*, in compliance with an NPDES permit issued pursuant to Section 402 of the CWA, 33 U.S.C. § 1342.
8. Section 402 of the CWA, 33 U.S.C. § 1342, authorizes states to request approval from EPA to administer their own permit programs for discharges into navigable waters within their jurisdictions.
9. Pursuant to Section 402 of the CWA, 33 U.S.C. § 1342, the State of Illinois requested approval from EPA to administer its own permit program for discharges into navigable waters within Illinois, and such approval was granted by EPA on October 23, 1977, 42 Fed. Reg. 58,566 (Nov. 10 1977). Therefore, pursuant to the State's permit program, the Illinois Environmental Protection Agency ("IEPA") has issued IEPA NPDES permits. Violation of an NPDES permit is a violation of Section 301(a) of the CWA, 33 U.S.C. § 1311(a).
10. Section 307(b) of the Act, 33 U.S.C. § 1317(b), states "the Administrator shall publish proposed regulations establishing pretreatment standards for introduction of pollutants into treatment works which are publicly owned for those pollutants which are determined not to be susceptible to treatment by such treatment works or which would interfere with the operation of such treatment works"
11. Pursuant to 307(b) of the Act, 33 U.S.C. § 1317(b), the Administrator published "General Pretreatment Regulations for Existing and New Sources" on January 28, 1981, codified at 40 C.F.R. Part 403. By the terms of this regulation, the requirements of Part 403 became effective three years from the date of promulgation.
12. Section 307(d) of the Act, 33 U.S.C. § 1317(d), states that "after the effective date of any ... pretreatment standard promulgated under this section, it shall be unlawful for any owner or operator of any source to operate any source in violation of any such ... pretreatment standard."
13. Section 309(a) of the CWA, 33 U.S.C. § 1319(a), provides that, whenever EPA finds that any person is in violation of any condition or limitation that implements, *inter alia*, Sections 301(a) and 402 of the CWA, 33 U.S.C. §§ 1311(a) and 1342, EPA shall issue an order requiring such person to comply with such condition or limitation, and shall specify a time for compliance that EPA determines to be reasonable taking into account the seriousness of the violation and any good faith efforts to comply with applicable requirements.

III. DEFINITIONS

14. All terms used, but not defined, in this Order on Consent have the meanings provided to them in the CWA, 33 U.S.C. § 1251 *et seq.*, and the EPA regulations promulgated under the CWA.
15. "Act" or "CWA" shall mean the Clean Water Act, 33 U.S.C. § 1251 *et seq.*
16. "Day" or "days" shall mean a calendar day or calendar days unless expressly stated to be a business day. In computing any period of time under this Order, should the last day fall on a Saturday, Sunday, or federal holiday, the period shall run until the close of business of the next business day.
17. "Effective Date" shall have the definition provided in Section VIII of this Order.
18. "EPA" shall mean the United States Environmental Protection Agency and any of its successor departments or agencies.
19. "IEPA" shall mean the Illinois Environmental Protection Agency and any successor departments, agencies, or instrumentalities of the State.
20. "NPDES permit" means the permit issued in accordance with the National Pollutant Discharge Elimination System pursuant to the CWA, 33 U.S.C. § 1342. "Permit" shall mean National Pollutant Discharge Elimination System Permit No. IL0021873, issued by the State of Illinois to the Respondent for STP #1 with the effective date of October 15, 2015, and the expiration date of September 30, 2020. For purposes of Sections IV through VII of this Order, "Permit" shall also mean any subsequent NPDES permit issued by the State of Illinois to the Respondent for STP #1, until such time as this Order is terminated.
21. "Order on Consent" and "Order" shall mean this document, all attachments hereto, and all subsequent modifications thereto.
22. "Paragraph" shall mean a portion of this Order identified by an Arabic numeral.
23. "Parties" shall mean the EPA and the City of Belleville.
24. "Publicly Owned Treatment Works" or "POTW" shall mean a treatment works as defined in Section 212 of the CWA, which is owned by a State, Tribe, or a municipality (as defined by Section 502(4) of the CWA). Pursuant to 40 C.F.R. §403.3(q), this definition includes any devices and systems used in the storage, treatment, recycling, and reclamation of municipal sewage or industrial wastes of a liquid nature. It also includes sewers, pipes, and other conveyances only if they convey wastewater to a POTW Treatment Plant. The term also means the municipality as defined in Section 502(4) of the CWA, which has jurisdiction over indirect

and direct discharges to such a treatment works.

25. The "Respondent" shall mean the City of Belleville.

26. "State" shall mean the State of Illinois.

27. "Wastewater Treatment Plant" or "WWTP" shall mean the Wastewater Treatment Plant identified in the NPDES permit issued to the City of Belleville and located at 405 Environmental Drive, in Belleville, Illinois.

28. "Work" shall mean any and all activities the Respondent is required to undertake and accomplish under this Order.

IV. FINDINGS OF FACT AND LAW

29. The Respondent is a "person" as that term is defined in Section 502(5) of the CWA, 33 U.S.C. § 1362(5), and 40 C.F.R. § 122.2.

30. The City of Belleville is a municipality chartered under the laws of the State of Illinois and as such, is a "municipality" and a "person" as those terms are defined in Sections 502(4) and (5) of the CWA, 33 U.S.C. § 1362(4) and (5), and 40 C.F.R. § 122.2.

31. The Respondent was issued renewed NPDES Permit No. IL0021873 ("Permit") under Section 402 of the CWA, 33 U.S.C. § 1342, which became effective on October 1, 2015. At all relevant times, the Respondent was authorized to discharge pollutants from the facility to waters of the United States only in compliance with the specific terms and conditions of the Permit.

35. 40 C.F.R. § 403.3(c) defines the term "Approval Authority" to mean the Director in an NPDES State with an approved state pretreatment program and the appropriate Regional Administrator in a non-NPDES state or NPDES state without an approved state pretreatment program.

36. 40 C.F.R. § 403.3(f)(1) states that the term "Control Authority" refers to the POTW if the POTW's Pretreatment Program Submission has been approved in accordance with the requirements of 40 C.F.R. § 403.11.

37. EPA approved Respondent's pretreatment program on April 18, 1985. The pretreatment program and regulatory provisions for the pretreatment program are incorporated in Respondent's Permit under Special Condition 10. Special Condition 10.A.1 states that the permittee shall implement and enforce its approved pretreatment program and all approved subsequent modifications.

38. Pursuant to the definitions set forth in the General Pretreatment Regulations at 40 C.F.R. §§ 403.3(c) and (f), and as these terms are used in this Order, Respondent is the "Control Authority" and EPA is the "Approval Authority."

39. 40 C.F.R. § 403.8(f)(1) states that a POTW shall operate pursuant to legal authority enforceable in Federal, State, or local courts, which authorizes or enables the POTW to apply and to enforce the requirements of Sections 307(b) and (c), and 402(b)(8) of the Act, 33 U.S.C. §§ 1317(b), 1317(c) and 1342, and any regulations implementing those sections.

40. On December 16, 1996, the Respondent adopted, passed, and enacted Ordinance No. 5677, at Chapter 51 of the Municipal Code of the City of Belleville, Illinois, hereby referred to as "Sewer Use Ordinance" or "SUO," as required by 40 C.F.R. § 403.8(f)(1).

41. 40 C.F.R. § 403.8(f)(5) requires a POTW under a Pretreatment Program to develop and implement an Enforcement Response Plan (ERP).

42. Respondent established the ERP by the enactment of Ordinance No. 5677, as required by 40 C.F.R. § 403.8(f)(5).

43. From August 3 through 6, 2015, an EPA team conducted an on-site pretreatment compliance inspection (August 2015 Inspection). The August 2015 Inspection consisted of interviews with the Respondent, four industrial user (IU) file reviews, and two IU on-site inspections. The team reviewed files for the following IUs:

- a. Peerless Premier Appliances Company (PPAC)
- b. International Paper Company (IPC)
- c. Roesch Inc.
- d. Quality Plating Inc.

44. On April 25, 2017, EPA provided the inspection report and findings of the August 2015 Inspection to Respondent. The report identified deficiencies in Respondent's Pretreatment Program.

45. Based on the information provided by the Respondent and IUs during the August 2015 Inspection, EPA finds that Respondent is in violation of the General Pretreatment Regulations for Existing and New Sources of Pollution at 40 C.F.R. Part 403 and its Permit as detailed below.

46. Respondent's NPDES permit Special Condition 10.A.8. required that Respondent conduct a technical re-evaluation of its local limitations and submit the evaluation as well as any proposed revisions to IEPA and U.S. EPA for review and approval within one year from the effective date of the permit. Respondent failed to conduct and submit the evaluation within the timeframe required in the permit.

47. Special Condition 10.A.6. requires Respondent to establish agreements with contributing jurisdictions, as necessary, to enable Respondent to fulfill its requirements with respect to all IUs discharging to Respondent's system. Respondent's agreements with its four contributing jurisdictions fail to include provisions regarding updating the IU inventory, allowing Respondent inspection access and enforcement of the Respondent's pretreatment program.

48. EPA's review of Respondent's IU permits identified a number of deficiencies, including but not limited to, permit duration more than five years, maximum penalties limited to \$500 rather than \$1,000 and failure to include slug loading notification requirements.

49. Each violation of the conditions of the Permit or regulations described above is a violation of Section 301 of the CWA, 33 U.S.C. § 1311.

V. ORDER ON CONSENT

50. Based on the foregoing findings and the authority vested in the undersigned Director, Water Division, it is hereby ordered and agreed to in accordance with Section 309(a) of the CWA, 33 U.S.C. § 1319(a), that the Respondent comply with the following actions set forth below.

Pretreatment Program Submittal

51. Pursuant to Special Condition 10.A.7 of its NPDES permit, Belleville must submit a proposal to modify its Pretreatment Program to incorporate streamlining regulations.

52. Belleville must conduct a technical re-evaluation of its local limitations consistent with EPA's Local Limits Development Guidance (July 2004) pursuant to Special Condition 10.A.8 of Belleville's NPDES permit. Within four months of the effective date of this Order, Belleville must submit the re-evaluation and any proposed revisions to its local limits to IEPA and EPA Region 5 for review and approval in accordance with Special Condition 10.A.8.

53. Within 30 days of the effective date of this Order, Belleville must change its local limit for mercury in accordance with Illinois Law (Title 35, Environmental Protection Agency, Subtitle C, Water Pollution, Chapter I: Pollution Control Board, Section 307.1102, no person may discharge more than 0.0005 mg/l of mercury).

Pretreatment Program Implementation

54. Pursuant to 40 CFR § 403.8(f)(2)(v), Belleville must sample effluent from IUs at least once a year. Belleville may use the same contractor as the IU to collect samples, but Belleville must retain the contractor for its samples.

55. Under 40 CFR § 403.8(f)(ii), Belleville must require compliance with applicable Pretreatment Standards and Requirements by IUs. Specifically, within 30 days of the effective

date of this Order, Belleville must update Permit 03-PRE-3 to reflect the correct categorical determination for PPAC in recognition of the change of operations from porcelain enameling.

56. Pursuant to 40 CFR § 403.8(f)(2)(vi), Belleville must evaluate each significant industrial user (SIU) to determine whether the SIU needs a slug discharge control plan within 30 days of the effective date of this Order. If Belleville determines that an SIU needs such a plan, Belleville must determine whether the plan contains the required elements and must maintain the plan in the SIU's file:

- a. Description of discharge practices, including non-routine batch discharges;
- b. Description of stored chemicals;
- c. Procedures for immediately notifying the POTW of slug discharges, including any discharge that would violate a prohibition under 40 C.F.R. § 403.5(b) with procedures for follow-up written notification within five days;
- d. If necessary, procedures to prevent adverse impact from accidental spills.

57. Pursuant to 40 CFR § 403.8(f)(2)(v), Belleville must randomly sample and analyze the effluent from industrial users and conduct surveillance activities in order to identify independent information supplied by industrial users.

58. Respondent must develop and implement procedures that identify and locate all possible IUs which may be subject to the POTW pretreatment program including the satellite tributary users by the following:

- a. Respondent must develop a written procedure in place to conduct an industrial waste survey.
- b. Respondent, through its user agreements with the satellite communities, must secure authority to conduct an industrial waste survey in those satellite communities.

59. Respondent must categorize Categorical Industrial Users (CIUs) using current information about their processes pursuant to 40 C.F.R. § 403.8(f)(2).

60. CIU permits must identify the applicable categorization for each CIU (category, subpart), whether the source is new or existing.

61. IU inspection reports and IU files must include an evaluation of whether the IU needs a slug discharge control plan.

62. Respondent must maintain a record of action taken in the IU file (such as details about any slug loads or accidental discharge, any adverse impacts at the POTW, enforcement actions taken, etc.).

63. Respondent must ensure that laboratory bench sheets are checked to ensure that samples are not received by the laboratory at more than 6 degrees Celsius pursuant to 40 C.F.R. § 136.3. Laboratory bench sheets must include an attached chain-of-custody sheet.
64. Respondent must follow its ERP in response to effluent limit violations and any failure to resample and report sampling results. Respondent must retain documentation of all pretreatment and enforcement activities in each IU file for a minimum of three years.
65. Respondent must follow its ERP in response to IUs discharging a slug load and IUs not providing the required certification statement in its self-monitoring reports.
66. Respondent must stamp and date the IU self-monitoring reports when received by the Respondent to verify that the IU submitted the report on time.
67. Respondent must ensure that copies of the permits as issued and on file contain the signature of the Respondent's City official authorized to issue permits.

Requirements in IU Permits

68. Pursuant to 40 C.F.R. § 403.8(f)(1)(iii)(B)(1), Belleville's IU permits must contain a statement of duration, in no case more than five years.
69. Pursuant to 40 C.F.R. § 403.8(f)(1)(vi), Belleville must have the authority to seek or assess civil or criminal penalties in at least the amount of \$1,000 per day for each violation by industrial users in violation of Pretreatment Standards and Requirements. Belleville must cite this authority in renewed IU permits.
70. Pursuant to 40 C.F.R. § 403.12(f), Belleville's IU permits must include slug loading notification requirements.
71. Pursuant to 40 C.F.R. § 403.17(c)(2), Belleville's IU permits must include bypass notification requirements.
72. Pursuant to 40 C.F.R. § 403.12(g)(2), Belleville's IU permits must require IUs to notify Belleville about discharge violations within 24 hours of becoming aware of them. The permits must also require the IUs to repeat sampling and analysis, and to submit the results of the repeat analysis within 30 days of becoming aware of the violation.
73. Pursuant to 40 C.F.R. § 403.12(g)(5), Belleville's IU permits must require analytical procedures to be in accordance with 40 CFR Part 136.
74. Pursuant to 40 C.F.R. § 403.12(g), Belleville's IU permits must include flow monitoring requirements. The permits should require IUs to submit daily flow monitoring reports, provide

location of flow monitoring, describe the type of flow monitoring used, and require flow monitoring data to be submitted with periodic reports.

75. Pursuant to 40 C.F.R. § 403.12(g)(5), Belleville's IU permits must require analytical procedures to be in accordance with 40 C.F.R. Part 136. This includes proper preservation of samples and chain of custody procedures.

76. Belleville's IU permits must include a requirement that all sampling discharge results must be reported to Belleville.

77. Pursuant to 40 C.F.R. § 403.12(g)(3), Belleville must require grab samples for pH, cyanide, total phenols, oil and grease, sulfide, and total organic compounds.

78. Respondent must provide consistency in sample type requirements in IU permits and document authorization of alternative sample techniques in IU files.

79. The Quality Plating IU Permit and other applicable permits must incorporate the more stringent categorical limit for cyanide. Quality Plating Inc. is in the Electroplating Point Source Category, for which the most stringent cyanide effluent limit is 5.0 mg/l.

80. Belleville must revise the Quality Plating IU Permit to include total toxic organic (TTO) monitoring requirements or to adhere to an approved Toxic Organic Management Plan (TOMP) pursuant to 40 C.F.R. § 403.8(f)(1)(iii)(B)(3).

81. All IU permits must include certification statements pursuant to 40 C.F.R. § 403.6(a)(2)(ii).

Satellite Agreements

82. Within six months of the effective date of this Order, Belleville must revise, amend or enter into new intergovernmental agreements with Belleville's tributary satellites to include provisions requiring the satellites to update industrial user inventories, and provisions to allow Belleville access for inspections and enforcement of Belleville's industrial pretreatment program.

VI. DOCUMENTATION AND SUBMISSIONS

83. The Respondent must submit a status report to EPA within 30 days of the end of each calendar-year quarter (i.e., by January 31, April 30, July 31, and October 31), until this Order is terminated. The first status report will be due within 30 days of completion of the first full quarter after the effective date of this Order. Each status report shall include a description of the actions which have been taken toward achieving compliance with this Order during the previous quarter.

84. All reports, notifications, documentation, submissions, and other correspondence required to be submitted by this Order shall be submitted to EPA electronically at r5weca@epa.gov (with the term "City of Belleville" the assigned Docket Number (V-W-18-XX) and Belleville's NPDES ID included in the email subject line). All electronically submitted materials should be in Portable Document Format (PDF) with Optical Character Recognition (OCR) applied to allow the materials to be searchable. All electronic submittals must include the certification statement in paragraph 88. Respondent may also submit any materials required to be submitted by certified (return receipt requested) mailing to the EPA Case Manager:

John "Jack" J. Bajor, Jr
Water Enforcement Compliance Assurance Branch (WC-15J)
U.S. Environmental Protection Agency, Region 5
77 West Jackson Boulevard
Chicago, Illinois 60604-3590
(312) 353-4633
bajor.john@epa.gov
and
R5weca@epa.gov

85. Within ten days of the effective date of this Order, the Respondent must designate a Project Coordinator and provide EPA's Case Manager with the Project Coordinator's name, address, phone number, and email address.

86. In the event of a change to the Project Coordinator, the Respondent will provide notification in writing, pursuant to paragraphs 84 and 85 above, within 30 days after the change.

87. EPA may require additional status reports, or fewer status reports, for the purpose of documenting the progress of the Work performed pursuant to this Order or compliance with the Permit requirements. Should EPA require additional status reports, EPA will provide the Respondent with at least 15 days from the date of EPA's request to submit the reports.

88. All reports, notifications, documentation, and submissions required by this Order shall be signed by a duly authorized representative of the Respondent as specified by 40 C.F.R. § 122.22(b)(2) and (d) and shall include the following statement:

"I certify under penalty of law that this document and all attachments were prepared under my direction or supervision in accordance with a system designed to assure that qualified personnel properly gather and evaluate the information submitted. Based on my inquiry of the person or persons who manage the system, or those persons directly responsible for gathering the information, the information submitted is, to the best of my knowledge and belief, true, accurate, and complete.

I am aware that there are significant penalties for submitting false information, including the possibility of fine and imprisonment for knowing violations.”

89. If the Respondent finds at any time after submitting information that any portion of that information is false or incorrect, the signatory must notify EPA immediately. Knowingly submitting false information to EPA in response to this Order may subject the Respondent to criminal prosecution under Section 309(c) of the CWA, 33 U.S.C. § 1319(c), as well as 18 U.S.C. §§ 1001 and 1341.

90. Respondent may not withhold information based on a claim that it is confidential. However, pursuant to 40 C.F.R. Part 2, Subpart B, Respondent may assert a claim of business confidentiality regarding any portion of the information submitted in response to this Order, as provided in 40 C.F.R. § 2.302(a)(2). The manner of asserting such claims is specified in 40 C.F.R. § 2.203(b). Certain information related to effluent data (as defined in 40 C.F.R. § 2.302(a)(2)) and NPDES permit applications may not be entitled to confidential treatment. 40 C.F.R. § 122.7. Information subject to a business confidentiality claim is available to the public only to the extent, and by means of the procedures, set forth in 40 C.F.R. Part 2, Subpart B. If Respondent does not assert a claim of business confidentiality when it submits the information, EPA may make the information available to the public without further notice.

91. Submissions required by this Order shall be deemed submitted on the date they are sent electronically or on the date postmarked if sent by U.S. mail.

92. Upon EPA approval, submissions by Respondent are incorporated and enforceable as part of this Order. In case of inconsistency between any submission by Respondent and this document and its subsequent modifications, this document and its subsequent modifications shall control.

93. EPA may use any information submitted in response to this Order in support of an administrative, civil, or criminal action against Respondent.

94. The information required to be submitted pursuant to this Order is not subject to the approval requirements of the Paperwork Reduction Act of 1995, 44 U.S.C. § 3501 *et seq.*

VII. GENERAL PROVISIONS

95. The Respondent has had the opportunity to confer with and submit information to EPA concerning the validity and provisions of this Order.

96. The terms of this Order are binding on the Respondent and its assignees and successors. The Respondent must give notice of this Order to any successors in interest prior to transferring ownership, and must simultaneously verify to EPA, at the above address in paragraph 84, that the Respondent has given the notice.

97. The undersigned signatory for each party has the authority to bind each respective party to the terms and conditions of this Order.
98. Failure to comply with this Order may subject the Respondent to penalties up to \$52,414 per day for each violation pursuant to Section 309(d) of the CWA, 33 U.S.C. § 1319(d) and 40 C.F.R. Part 19.
99. This Order does not affect the Respondent's responsibility to comply with the CWA, its Permit, and any other local, state, and federal laws and regulations.
100. This Order does not restrict EPA's authority to enforce the Permit or any section of the CWA.
101. EPA reserves all rights and remedies, legal and equitable, available to address any violation cited in this Order and any other violation of the CWA, and to enforce this Order. Neither issuance of this Order by EPA nor compliance with its terms precludes further enforcement action pursuant to Section 309 of the CWA, 33 U.S.C. § 1319, for the violations cited in this Order, for any other violations of the CWA committed by the Respondent, or to enforce this Order.
102. The CWA includes provisions for administrative penalties, for civil injunctive relief and penalties, and for criminal sanctions for violations of the CWA. Specifically, EPA may:
- a. Assess civil administrative penalties under 33 U.S.C. § 1319(g) and 40 C.F.R. Part 19 of up to \$16,000 per day for each violation up to a total of \$187,500 that occurred after December 6, 2013 through November 2, 2015, or are assessed before August 1, 2016; up to \$20,628 per day of violation up to \$257,848 for violations that occurred after November 2, 2015 and assessed on or after August 1, 2016 but before January 15, 2017; or up to \$20,965 per day of violation up to a total of \$262,066 for violations that occurred after November 2, 2015 and assessed on or after January 15, 2017;
 - b. Seek civil injunctive relief and penalties for violations of the CWA under 33 U.S.C. § 1319(b) and 40 C.F.R. Part 19. EPA may seek civil judicial penalties of up to \$37,500 per day for violations that occurred after December 6, 2013 through November 2, 2015, or that are assessed before August 1, 2016; up to \$51,570 per day for violations that occurred after November 2, 2015 and assessed on or after August 1, 2016 but before January 15, 2017; or up to \$52,414 per day for violations that occurred after November 2, 2015 and assessed on or after January 15, 2017; and
 - c. Seek criminal sanctions, including fines and imprisonment, for negligent or knowing violations of the CWA under 33 U.S.C. § 1319(c).

VIII. EFFECTIVE DATE

103. This Order on Consent shall become effective upon signature by EPA below, and will remain in effect until the Respondent has demonstrated compliance and EPA has notified the Respondent pursuant to paragraphs 104 and 105, respectively.

IX. FINAL REPORT AND TERMINATION OF THIS ORDER

104. Within 30 days after the Respondent concludes that it has complied with all requirements of this Order, the Respondent must submit to the EPA Case Manager a written final report and certification of completion describing all actions taken to comply with all requirements of this Order.

105. After receipt and review of the Respondent's final report and certification of completion submitted pursuant to paragraph 104, EPA will notify the Respondent whether it has satisfied all requirements of this Order. If EPA concludes that the Respondent has failed to satisfy the requirements of this Order, EPA may require further actions as set forth under this Order or it may pursue administrative or civil judicial actions. EPA reserves the right to terminate this Order based on a determination that the terms of the Order have been satisfied.

IT IS SO AGREED AND ORDERED:

FOR THE COMPLAINANT, U.S. ENVIRONMENTAL PROTECTION AGENCY:

Christopher Korleski
Director
Water Division
U.S. EPA Region 5

Date

FOR THE RESPONDENT, City of Belleville:

[Name]

Date

[Title]